

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>LOUIS AGRE, et al.</b>  <b>v.</b>  <b>THOMAS W. WOLF</b> , Governor of Pennsylvania, <b>ROBERT TORRES</b> <sup>1</sup> , Acting Secretary of State of Pennsylvania, <b>JONATHAN MARKS</b> , Commissioner of the Bureau of Elections – in their official capacities.	<b>CIVIL ACTION</b>  <b>NO. 17-4392</b>
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**ORDER RE: MOTION TO QUASH (ECF 141)**

**BEFORE: Smith, Chief Circuit Judge; Shwartz, Circuit Judge; Baylson, District Judge:**

**AND NOW** this 28<sup>th</sup> day of November, 2017, it is **ORDERED** that the Motion to Quash Subpoena (ECF 141) is **GRANTED** in part and **DENIED** in part. Upon review, the Court will require Plaintiffs to cure any asserted procedural defects in the subpoena by close of business on Wednesday, November 29, 2017, and if so, the deposition of Senator McIlhinney shall proceed no later than Friday, December 1, 2017; the assertion of legislative and deliberative privilege is overruled for reasons stated in the Order entered this date relating to Speaker Turzai (ECF 142).

**BY THE COURT:**

/s/ Michael M. Baylson

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**MICHAEL M. BAYLSON**  
**United States District Court Judge**

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<sup>1</sup> As of October 11, 2017, Robert Torres is the Acting Secretary of the Commonwealth of Pennsylvania and is hereby substituted as a defendant. *See* Fed. R. Civ. P. 25(d).